

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

2019 JUL 17 AM 11:59

Plaintiff,

8:18-CR-00333-RFR-SMB

CLERK OF THE CLERK

vs.

SECOND SUPERSEDING
INDICTMENT

JOSEPH LLOYD JAMES and RAMON
SIMPSON,

18 U.S.C. §§ 1111(a), 1201(a)(1),
2119(3), 1153(a), 1201(c), and 2

Defendants.

The Grand Jury charges that

COUNT I
(Murder in Indian Country)

On or about the 5th day of November, 2018, in the District of Nebraska, on the Santee Sioux Indian Reservation, the defendant, JOSEPH LLOYD JAMES, an Indian male, willfully, deliberately, maliciously, and with premeditation and malice aforethought, did unlawfully kill P.H.

In violation of Title 18, United States Code, Sections 1111(a) and 1153(a).

COUNT II
(Felony Murder in Indian Country)

On or about the 5th day of November, 2018, in the District of Nebraska, on the Santee Sioux Indian Reservation, the defendant, JOSEPH LLOYD JAMES, an Indian male, with malice aforethought, and in the perpetration and attempted perpetration of the kidnapping of P.H., did unlawfully kill P.H.

In violation of Title 18, United States Code, Sections 1111(a) and 1153(a).

COUNT III
(Kidnapping Resulting in Death)

Beginning on or about the 4th day of November, 2018, and continuing through and until about the 5th day of November, 2018, in the District of Nebraska and elsewhere, the defendants, JOSEPH LLOYD JAMES and RAMON SIMPSON, did unlawfully and willfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away P.H., and hold P.H. for some purpose and benefit, and, in committing and in furtherance of the offense, did willfully transport P.H. in interstate commerce from South Dakota to Nebraska, resulting in the death of P.H.

In violation of Title 18, United States Code, Sections 1201(a)(1) and 2.

COUNT IV
(Carjacking Resulting in Death)

Beginning on or about the 4th day of November, 2018, and continuing through and until about the 5th day of November, 2018, in the District of Nebraska and elsewhere, the defendant, JOSEPH LLOYD JAMES, with the intent to cause death and serious bodily harm, attempted to take and took a motor vehicle, to wit: a 2001 Honda Accord with South Dakota license plate 7B2309 that had been transported, shipped, and received in interstate and foreign commerce from the person and presence of P.H. by force and violence, and by intimidation, resulting in the death of P.H.

In violation of Title 18, United States Code, Section 2119(3).

COUNT V
(Conspiracy to Commit Kidnapping)

1. Beginning on or about the 4th day of November, 2018, and continuing through and until about the 21st day of November, 2018, in the District of Nebraska and elsewhere, the defendants, JOSEPH LLOYD JAMES and RAMON SIMPSON, unlawfully, willfully, and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 1201(a)(1).

2. It was a part and an object of the conspiracy that defendants JOSEPH LLOYD JAMES and RAMON SIMPSON, would and did seize, confine, inveigle, decoy, kidnap, abduct, and carry away P.H., and hold P.H. for some purpose and benefit, and, in committing and in furtherance of the offense, would willfully transport P.H. in interstate commerce from South Dakota to Nebraska.

OVERT ACTS

3. In furtherance of the conspiracy and to affect the illegal object thereof, on or about November 4, 2018, defendants JOSEPH LLOYD JAMES and RAMON SIMPSON seized, confined, inveigled, decoyed, kidnapped, abducted, and carried away P.H. in or around Utica, South Dakota, and transported P.H. from South Dakota to Nebraska.

4. In furtherance of the conspiracy and to affect the illegal object thereof, on or about November 4, 2018, defendants JOSEPH LLOYD JAMES and RAMON SIMPSON traveled with P.H., in P.H.'s motor vehicle, to wit: a 2001 Honda Accord with South Dakota license plate 7B2309, from South Dakota to Nebraska.

5. In furtherance of the conspiracy and to affect the illegal object thereof, on or about November 4, 2018, after arriving in Norfolk, Nebraska, defendant RAMON SIMPSON took

defendant JOSEPH LLOYD JAMES'S cellular telephone with him when defendant RAMON SIMPSON exited P.H.'s motor vehicle, to wit: a 2001 Honda Accord with South Dakota license plate 7B2309.

6. In furtherance of the conspiracy and to affect the illegal object thereof, on or about November 5, 2018, defendant JOSEPH LLOYD JAMES willfully, deliberately, maliciously, and with premeditation and malice aforethought, did unlawfully kill P.H.

7. In furtherance of the conspiracy and to affect the illegal object thereof, on or about November 5, 2018, defendant JOSEPH LLOYD JAMES, after killing P.H., willfully and maliciously set fire to burn, and attempted to set fire to burn, P.H.'s motor vehicle, to wit: a 2001 Honda Accord with South Dakota license plate 7B2309.

8. In furtherance of the conspiracy and to affect the illegal object thereof, on or about November 5, 2018, defendants JOSEPH LLOYD JAMES and RAMON SIMPSON, and others, known and unknown to the conspiracy, modified JOSEPH LLOYD JAMES'S cellular telephone that RAMON SIMPSON had taken with him on or about November 4, 2018.

9. In furtherance of the conspiracy and to affect the illegal object thereof, on or about November 8, 2018, defendant RAMON SIMPSON, did knowingly and willfully make false statements to FBI Special Agent Jeff Howard ("S/A Howard"). On or about November 8, 2018, RAMON SIMPSON stated to S/A Howard that on November 4, 2018, RAMON SIMPSON traveled back from South Dakota to Norfolk, Nebraska with JOSEPH JAMES and J.K. In truth and in fact, J.K. was not with RAMON SIMPSON when RAMON SIMPSON traveled back from South Dakota to Norfolk, Nebraska. On or about November 8, 2018, RAMON SIMPSON also stated that on November 4, 2018, RAMON SIMPSON traveled back to Norfolk, Nebraska from South Dakota in his aunt's car. In truth and in fact, RAMON SIMPSON traveled back to Norfolk,

Nebraska from South Dakota in P.H.'s motor vehicle, to wit: a 2001 Honda Accord with South Dakota license plate 7B2309.

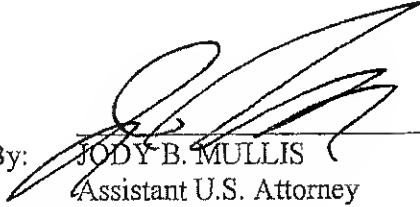
10. In furtherance of the conspiracy and to affect the illegal object thereof, on or about November 21, 2018, defendant RAMON SIMPSON, did knowingly and willfully make false statements to S/A Howard. On or about November 21, 2018, RAMON SIMPSON stated that on November 4, 2018, J.K. brought RAMON SIMPSON home from South Dakota. In truth and in fact, on November 4, 2018, J.K. did not bring RAMON SIMPSON home from South Dakota. On or about November 21, 2018, RAMON SIMPSON also stated to S/A Howard that on November 4, 2018, he was never in P.H.'s car. In truth and in fact, on November 4, 2018, RAMON SIMPSON traveled from South Dakota to Norfolk, Nebraska in P.H.'s motor vehicle, a 2001 Honda Accord with South Dakota license plate 7B2309.

In violation of Title 18, United States Code, Sections 1201(c).

A TRUE BILL.

~~FOREPERSON~~

The United States of America requests that trial of this case be held in Omaha, Nebraska, pursuant to the rules of this Court.

By: 
JODY B. MULLIS
Assistant U.S. Attorney

SEALED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America

v.

Ramon Simpson

Defendant(s)

Case No. 8:19MJ37

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 8, 2018 in the county of Madison in the
 District of Nebraska, the defendant(s) violated:

Code Section

18 U.S.C. § 1001(a)(2)

Offense Description

Making false statement to a federal agent

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

FBI SA Jeff Howard

Printed name and title

Sworn to before me by reliable electronic means:

Date: 02/01/2019

City and State: Omaha, Nebraska

Michael D. Nelson, U.S. Magistrate Judge

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

I, SA **JEFF HOWARD**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been since 1/31/1999. I am currently assigned to the Sioux City, Iowa, Resident Agency of the Omaha, Nebraska, FBI Division. In the course of my official duties I am charged with the investigation of crimes occurring on the Indian Reservations of Nebraska, including the Santee Indian Reservation, located in Knox County, Nebraska, within the District of Nebraska. The information contained in this affidavit is the result of investigation conducted by myself, or other law enforcement agencies.

2. I make this affidavit in support of a criminal complaint for Ramon Simpson ("SIMPSON"), for making a false statement to a federal agent in violation of 18 U.S.C. § 1001(a)(2). There is probable cause to believe that on or about November 8, 2018, SIMPSON made a false statement to Affiant. On November 8, 2018, SIMPSON told Affiant that on the evening of November 4, 2018, JOSEPH JAMES and J.K. dropped SIMPSON off in Norfolk, Nebraska. In truth and in fact, on November 4, 2018, SIMPSON did not travel back to Norfolk, Nebraska with J.K. This statement was made during the course and in the context of a murder investigation into the death of P.H.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

INVESTIGATION INVOLVING THE HOMICIDE OF P.H.

4. On November 7, 2018, the FBI was contacted by Santee Sioux Nation authorities regarding the discovery of the body of P.H., a white female and non-Native American, who was found deceased in the back seat of a white 2001 Honda Accord motor vehicle, registered to P.H. The 2001 Honda Accord had a South Dakota license plate number 7B2309. There was a quantity of blood on the body and seats that suggested substantial bleeding. In addition to burning the vehicle, an attempt had been made to burn the body. Investigators concluded homicide was the cause of P.H.'s death. P.H.'s Honda Accord and her body were located in Knox County, Nebraska, on the Santee Sioux Indian Reservation.

5. On November 7, 2018, Officer JOE KUDERA of the Santee Sioux Nation police department was dispatched to a white Honda parked in a field near the Bazile Bridge on 531 Avenue, west of Highway 12. I measured this location as approximately 0.8 miles from Highway 12 in Niobrara, Nebraska, on the Santee Indian Reservation. It was parked in an area of trees next to a fallen tree. Officer Kudera stated that when he opened the car door a puff of smoke came out. The windows were tinted and/or obscured by soot. Inside the vehicle was a burned body that was later identified as P.H. Kudera observed blood and charring on the victim. From crime scene photos taken soon after, it appeared that a fire had been set and had burned the back of the front passenger seat. It appeared that the interior roof of the vehicle was also burned. There was soot visible on the face of the deceased P.H.

6. On November 15, 2018, I inspected P.H.'s Honda Accord at the Knox County impound lot. It was observed to have soot and burnt material on surfaces in the front and back vinyl seats. The most significant damage was to the back of the passenger seat behind which

P.H. had been slumped. There was also damage to the ceiling of the vehicle. It appeared the sound-proofing material on the interior roof of the vehicle had ignited, burned, and dripped to the surfaces below. The windows of the vehicle were obscured by soot and also factory tinting.

7. On November 5, 2018, at approximately 1:15 AM, the Yankton County Sheriff's Office, Yankton, South Dakota, received a call regarding an attempt to locate for P.H. who had left a family member's residence between 9:30 PM and 10:00 PM on November 4, 2018 in Utica, South Dakota, en route home to go to her residence in Yankton, South Dakota. The reporting party, P.H.'s mother, advised that usually P.H. calls upon returning home but did not do so on November 4, 2018. The family called P.H.'s cell phone repeatedly, with no answer, and then checked at P.H.'s home but did not find P.H. or her vehicle, a white 2001 Honda Accord, with a South Dakota license plate number 7B2309.

8. In video provided to the Santee Sioux Nation tribal police by the Feather Hill gas station at the Ohiya Casino, on the Santee Indian Reservation, JOSEPH JAMES is seen getting out of the driver seat of P.H.'s white 2001 Honda Accord at approximately 3:10 AM on November 5, 2018. JOSEPH JAMES is observed to be wearing shorts, no pants, no shoes or socks, and he pumps gas into the vehicle. There is no one else visible in the vehicle at that time.

9. At 5:51 AM on November 5, 2018, JOSEPH JAMES is observed via audio and video surveillance, to return the Feather Hill gas station at the Ohiya Casino, where he pumps approximately \$2.11 in gas into what appears to be a 1-liter soda bottle. JOSEPH JAMES was still driving P.H.'s vehicle. JOSEPH JAMES pumped the gas into the container next to the gas port of the vehicle as though attempting to disguise what he is doing. JOSEPH JAMES then walks into the gas station and tells the gas station attendant that he has blood on his red t-shirt from a deer that he hit near Crofton, Nebraska and asks if the attendant knows someone that

could help him with a tow to get his truck out of the ditch. JOSEPH JAMES told the attendant that he was driving the car belonging to a friend in Yankton. There is no one else visible in the vehicle, other than JOSEPH JAMES getting in and out of the driver's seat.

10. At approximately 7:30 AM on November 5, 2018, JOSEPH JAMES made contact with [REDACTED] and [REDACTED] at their home on the Santee Indian Reservation. JOSEPH JAMES appeared to be nervous. [REDACTED] and [REDACTED] did not know JOSEPH JAMES. [REDACTED] later identified JOSEPH JAMES from photographs. [REDACTED] stated that JOSEPH JAMES said that he was looking for the residence of another individual, who he said lived on Santee. [REDACTED] stated that she gave JOSEPH JAMES directions and also gave him a fresh shirt because JOSEPH JAMES said people at another location had looked at him funny when he stopped there due to blood on his shirt. [REDACTED] stated that JOSEPH JAMES left in a small white car.

11. Officer Mousseau of the Santee Sioux Nation Police later collected the t-shirt that JOSEPH JAMES left at the residence of [REDACTED] and [REDACTED]. The t-shirt was put into evidence.

12. I transported to the University of Nebraska Medical Center ("UNMC") DNA Lab, the t-shirt that JOSEPH JAMES left with [REDACTED] and [REDACTED]. [REDACTED] from UNMC advised that she swabbed the t-shirt in the area where the apparent blood was located. [REDACTED] compared the DNA profile that was taken from the victim, P.H., to the DNA profile obtained from the swab from the t-shirt. [REDACTED] indicated that the DNA profile recovered from the t-shirt only occurs in about one in 472 octillion individuals. [REDACTED] indicated that the victim, P.H., had that DNA profile.

13. JOSEPH JAMES admitted that he is an enrolled member of the Ponca Tribe of Nebraska. On November 13, 2018, the enrollment officer for the Santee Sioux Nation advised that JOSEPH JAMES had been an enrolled member of the Santee Sioux Nation but is now an enrolled member of the Ponca Tribe of Nebraska. The enrollment officer provided documentation from the Ponca Tribe of Nebraska to affiant indicating that JOSEPH JAMES was eligible for enrollment with the Ponca Tribe of Nebraska.

14. In December of 2018, the grand jury indicted JOSEPH JAMES on one count of Arson in Indian Country in violation of 18 U.S.C. §§ 81 and 1153. The arson charge stems from JOSEPH JAMES setting fire to P.H.'s 2001 Honda Accord on about November 5, 2018.

SIMPSON'S NOVEMBER 8, 2018 FALSE STATEMENT

15. On November 8, 2018, Affiant interviewed SIMPSON in Norfolk, Nebraska. SIMPSON stated that on the evening of November 4, 2018, he traveled to South Dakota with JOSEPH JAMES and J.K. in a Nissan motor vehicle belonging to SIMPSON'S aunt. SIMPSON told Affiant that he later returned to Norfolk, Nebraska at about 10:45 p.m. on November 4, 2018. SIMPSON told Affiant that JOSEPH JAMES and J.K. dropped SIMPSON off in Norfolk. SIMPSON told Affiant that on the drive from South Dakota back to Norfolk, SIMPSON, JOSEPH JAMES, and J.K. were in the vehicle.

16. On December 10, 2018, Affiant again spoke with SIMPSON. SIMPSON admitted that he lied to Affiant on November 8, 2018. SIMPSON admitted that that he lied on November 8, 2018 when he stated that JOSEPH JAMES and J.K. drove him home. SIMPSON admitted that he traveled back to Norfolk, Nebraska in P.H.'s motor vehicle. J.K. was not in the vehicle.

17. Surveillance footage from the Ohiya Casino on the Santee Sioux Indian Reservation shows that at about 10:51 p.m. on November 4, 2018, J.K. arrived at the Ohiya Casino and parked a Nissan Altima. Surveillance footage shows that at about 10:57 p.m. on November 4, 2018, J.K. entered the casino. Surveillance footage shows that at about 11:00 p.m. on November 4, 2018, J.K. exited the casino. Surveillance footage shows that at about 11:09 p.m. on November 4, 2018, J.K. reentered the casino. Surveillance footage shows that at about 11:52 p.m. on November 4, 2018, J.K. again exited the casino. Surveillance footage shows that at about 11:52 p.m., J.K. entered the driver's seat of the Nissan Altima in the parking lot of the casino. Surveillance footage shows that at about 11:54 p.m., J.K. drove the Nissan Altima away from the casino.

18. The Ohiya Casino is about 74 miles from Norfolk, Nebraska.

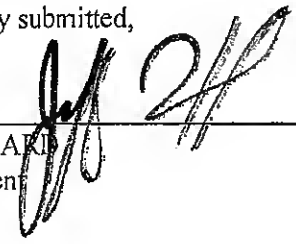
19. Cellular site data involving SIMPSON'S cellular telephone indicates that between about 3:18 p.m. and 6:35 p.m. on November 4, 2018, SIMPSON'S cellular phone traveled from Norfolk, Nebraska to Yankton, South Dakota. Cell site data indicates that SIMPSON'S cellular phone returned to the Norfolk, Nebraska area at or before about 11:49 p.m. on November 4, 2018.

20. SIMPSON'S statement to Affiant on November 8, 2018 that JOSEPH JAMES and J.K. drove SIMPSON back to Norfolk on the evening of November 4, 2018 was admittedly false. J.K. was not with SIMPSON when SIMPSON returned to Norfolk.

21. Affiant is conducting an investigation into the death of P.H. and the subsequent attempts to conceal evidence of the abduction and murder of P.H. The FBI is a federal agency that is part of the Executive Branch of the United States. The investigation into the death of P.H. and the subsequent attempts to conceal evidence of the abduction and murder of P.H. is a

matter within the jurisdiction of the FBI. Additionally, knowledge and information involving the whereabouts of SIMPSON on the evening of November 4, 2018 and the fact that SIMPSON did not travel with J.K. on SIMPSON'S return to Norfolk on November 4, 2018, is material to the investigation into the death and abduction of P.H.

Respectfully submitted,




JEFF HOWARD
Special Agent
FBI

Sworn to before me by reliable electronic means:

Date: 02/01/2019

City and State: Omaha, Nebraska



Michael D. Nelson, U.S. Magistrate Judge
